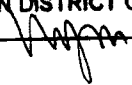


FILED**JAN 17 2013****CUSTOMER'S SWORN STATEMENT FOR FILING A CHALLENGE
IN THE UNITED STATES DISTRICT COURT**CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  **DEPUTY**FOR THE WESTERN DISTRICT OF TEXAS
(Name of District) (State in Which Court Is Located)JORDAN G. GONDREAU
(Customer's Name)

Movant

V.

Department of Defense

Respondent

Miscellaneous No.
(Will be filled in by Court Clerk)**SA 13MC0056****XR**SWORN STATEMENT OF MOVANT

FINANCIAL PRIVACY ACT OF 1978

I, JORDAN G. GONDREAU, am presently/was previously a customer of
(Customer's Name) (Show One)BANK OF AMERICA
(Name of Financial Institution)

and I am the customer whose records are

being requested by the Government.

The financial records sought by the Department of Defense (DoD) are not relevant to the law enforcement inquiry stated in the customer notice because there has been no rational connection established between the bank information requested and the alleged offenses. The DoD holds all information relating to any and all entitlements received. The requestors have provided no information demonstrating how the requested information is relevant. The items requested in Appendix A, paragraph B would show no logical or legal connection to the offense alleged in the "Notice To Customer."


I declare under penalty of perjury that the foregoing is true and correct.

JAN 14 2013
(Month) (Day) (Year)
(Customer's Signature)

CERTIFICATE OF SERVICE

I have mailed or delivered a copy of this motion and the attached sworn statement to

TEXAS WESTERN DISTRICT COURT on JAN, 14, 2013.
(name of the office listed in item 2 of customer notice) (month, day) (year)



(your signature)

Right to Financial Privacy Act of 1978, Title 12 United States Code, Section 3410

U.S. NO. 2013028 - 11961



DEPARTMENT OF THE ARMY
STUTTGART CID OFFICE
5TH MILITARY POLICE BATTALION (CID)
UNIT # 30401, APO AE 09107

REPLY TO
ATTENTION OF

NOTICE TO CUSTOMER

SFC Jordan G. Goudreau
CMR 445, Box 713
APO AE 09046

Dear SFC Goudreau:

Records or information concerning your transactions held by the financial institution named in the attached subpoena are being sought by the Office of the Inspector General, Department of Defense, in accordance with the Right to Financial Privacy Act of 1978, 12 U.S.C. Section 3401-3422, for the following purpose(s):

To refute or support allegations that during the approximate period of September 2009 through September 2012, you fraudulently claimed and received a housing allowance to which you were not entitled, in violation of Uniform Code of Military Justice (UCMJ) Article 121, Larceny and Wrongful Appropriation and UCMJ Article 132, Fraud against the U.S. Government.

If you desire that such records or information not be made available, you must:

- (1) Fill out the accompanying motion paper and sworn statement (as indicated by the instructions beneath each blank space) or write one of your own, stating that you are the customer whose records are being requested by the Government, and either giving the reasons you believe that the records are not relevant to the legitimate law enforcement inquiry stated in this notice or any other legal basis for objecting to the release of the records.
- (2) File the motion and sworn statement by mailing or delivering them to the Clerk of any one of the following United States District Courts:

Virginia Eastern District Court
Albert V. Bryan United States Courthouse, 2nd Floor
401 Courthouse Square
Alexandria, VA 22314
(703) 299-2100

Texas Western District Court
John H. Wood, Jr., United States Courthouse
655 East Cesar Chavez Boulevard, Room G-65
San Antonio, TX 78206
(201) 472-6550

(It would simplify the proceeding if you would include with your motion and sworn statement a copy of the attached subpoena, as well as a copy of this notice.)

(3) Serve the Government authority requesting the records by mailing (by registered or certified mail) or by delivering a copy of your motion and sworn statement to: **Inspector General of the Department of Defense, c/o DOD IG Subpoena Program Office, 4800 Mark Center Drive, Suite 11H25, West Tower, Alexandria, VA 22350-1500.**

(4) Be prepared to come to court and present your position in further detail.

(5) You do not need to have a lawyer, although you may wish to employ one to represent you and protect your rights.

If you do not follow the above procedures, upon the expiration of ten days from the date of service or fourteen days from the date of mailing of this notice, the records or information requested therein may be made available. These records may be transferred to other Government authorities for legitimate law enforcement inquiries, in which event you will be notified after the transfer.

Sincerely,



CHRISTOPHER P. SCHROCK

Special Agent-in-Charge

Enclosures:

Subpoena Duces Tecum
Appendix A
Statement of Customer Rights under the
Right to Financial Privacy Act of 1978
Instructions for Completing and Filing
Motion and Sworn Statement
Motion Form
Sworn Statement Form
Certificate of Service

United States of America
Department of Defense
Office of the Inspector General

SUBPOENA DUCES TECUM

TO Custodian of Records, Bank of America, ATTN: Ms. Carol Villareal, 300 Convent Street, Suite 400, San Antonio, Texas 78205

YOU ARE HEREBY COMMANDED TO APPEAR BEFORE Special Agent Paraskevi Wilson or any Special Agent of the United States Army Criminal Investigation Command (USACIDC) acting on behalf of the Inspector General, pursuant to the Inspector General Act of 1978 (5 U.S.C. App. 3), at USACIDC, 5th Military Police Battalion, 481st MP Detachment (CID), Stuttgart CID Office, Unit 30401, APO AE 09107-0401 on the 31st day following the financial institution's receipt of this subpoena at 10 o'clock a.m. of that day.

You are hereby required to bring with you and produce at said time and place the following information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence pertaining to Bank of America account numbers: 7593290854 and 6662910781, held solely or jointly by Jordan G. Goudreau, Social Security Number: XXX-XX-6378, an active duty member of the United States Army, who is suspected of violating one or more punitive Articles of the Uniform Code of Military Justice, for the period September 1, 2009 through September 30, 2012, as specified in Appendix A, which are necessary in the performance of the responsibility of the Inspector General under the Inspector General Act.

IN TESTIMONY WHEREOF, the signature of the duly authorized representative of the Inspector General of the Department of Defense is affixed at Alexandria, Virginia.

STONE.RANDOLPH.R
.1259992415

Digitally signed by STONE.RANDOLPH.R.1259992415
DN: c=US, o=U.S. Government, ou=DoD, ou=PIG,
ou=ODIG, cn=STONE.RANDOLPH.R.1259992415
Date: 2012.11.09 08:30:21 -0700

Randolph R. Stone
Deputy Inspector General for Policy and Oversight

UNIQUE IDENTIFICATION NUMBER: 2013028-11961

APPENDIX A

A. DEFINITIONS:

1. The terms "document" or "documents" mean any written, recorded, graphic material of any kind, photostats, microfilms, microfiche, tape or disc recordings, computer printouts and other data electronically obtained or otherwise stored from which information can be obtained, either directly, indirectly or by translation, through devices or readers, whether prepared by your or any other person, that is in your possession, custody or control. Any such document is to be produced in a reasonable useable form.

2. The terms "document" and "documents" mean the original document (or copy thereof if the original is not in your possession, custody or control) and all copies that differ in any respect from the original or that bear any notation, marking or information not on the original.

B. DOCUMENTS REQUIRED:

Any and all documents pertaining to Bank of America account numbers: 7593290854 and 6662910781, held solely or jointly by Jordan G. Goudreau, Social Security Number: XXX-XX-6378, an active duty member of the United States Army, who is suspected of violating one or more punitive Articles of the Uniform Code of Military Justice, for the period September 1, 2009 through September 30, 2012,. Records include, but are not limited to:

1. Monthly statements sent to the account holder;
2. Correspondence with the account holder;
3. Deposit records;
4. Withdrawal records;
5. Wire transfer records;
6. Records of Automatic Teller Machine transactions;
7. Records of debit and credit card transactions;
8. Copies of checks written on the named account and/or deposited into the named account; and,
9. Records reflecting account ownership in effect during the identified period.

UNIQUE IDENTIFICATION NUMBER: 2013028-11961

STATEMENT OF CUSTOMER RIGHTS UNDER THE FINANCIAL PRIVACY ACT OF 1978

Federal law protects the privacy of your financial records. Before banks, savings and loan associations, credit unions, credit card issuers or other financial institutions may give financial information about you to a Federal agency, certain procedures must be followed.

Consent to Financial Records: You may be asked to consent to make your financial records available to the Government. You may withhold your consent, and your consent is not required as a condition of doing business with any financial institution. If you give your consent, it can be revoked in writing at any time before your records are disclosed. Furthermore, any consent you give is effective for only three months, and your financial institution must keep a record of the instances in which it discloses your financial information.

Without Your Consent: Without your consent, a Federal agency that wants to see your financial records may do so ordinarily only by means of a lawful subpoena, summons, formal written request, or search warrant for that purpose. Generally, the federal agency must give you advance notice of its request for your records explaining why the information is being sought and telling you how to object in court. The Federal agency must also send you copies of court documents to be prepared by you with instructions for filling them out. While these procedures will be kept as simple as possible, you may want to consult with an attorney before making a challenge to a Federal agency's request.

Exceptions: In some circumstances, a Federal agency may obtain financial information about you without advance notice or your consent. In most of these cases the Federal agency will be required to go to court to get permission to obtain your records without giving you notice beforehand. In these instances, the court will make the Government show that its investigation and request for your records are proper. When the reason for the delay of notice no longer exists, you will usually be notified that your records were obtained.

Transfer of Information: Generally, a Federal agency which obtains your financial records is prohibited from transferring them to another Federal agency unless it certifies in writing that the transfer is proper and sends a notice to you that your records have been sent to another agency.

Penalties: If a Federal agency or financial institution violates the Right To Financial Privacy Act, you may sue for damages or to seek compliance with the law. If you win, you may be repaid your attorney's fees and costs.

Additional Information: If you have any questions about your rights under this law, or about how to consent to release your financial records, please call the official whose name and telephone number appear below:

Special Agent: Paraskevi E. WILSON
Agency: USACIDC
Address: Stuttgart CID, Unit 30401, APO AE 09107
Phone: 011-49-711-680-2973

**INSTRUCTIONS FOR COMPLETING AND FILING
THE ATTACHED MOTION AND SWORN STATEMENT**

1. Except where signatures are required, the indicated information should be either typed or printed legibly in ink in the spaces provided on the attachment motion and sworn statement forms. The information required for each space is described in parentheses under each space to be completed.
2. The most important part of your motion is the space on the "sworn statement" form where you must state your reasons for believing that the financial records sought are not relevant to the legitimate law enforcement inquiry stated in the attached notice. You may also challenge the government's access to the financial records if there has not been substantial compliance with the Right to Privacy Act or for any other reasons allowed under the law. You should state the facts that are the basis for your challenge as specifically as you can.
3. To file your motion with the court, either mail or deliver the original and the proper number of copies, as well as, any required filing fee, to the Clerk of the Court. The filing fee can be paid with cash, certified check, or money order. You are required to check with the Clerk of the Court for the district in which you intend to file to ascertain the correct filing fee and correct number of copies required for filing, as well as to ascertain any other local rules of court that may exist.
4. One copy of your challenge papers (motion and sworn statement) and Certificate of Service must be delivered or mailed (by registered or certified mail) to the government official whose name appears in item 3 of the customer notification letter.
5. If you have further questions, contact the government official whose name and telephone appear on the Customer Notice.